

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Joshua Brackenridge,	:	
	:	Case Number 1:20cv956
Petitioner,	:	
v.	:	Judge Susan J. Dlott
State of Ohio,	:	
Respondent.	:	

O R D E R

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen Litkovitz filed on December 3, 2020, (Doc. 2) to whom this case was referred to pursuant to 28 U.S.C. §636(b). Subsequently, the respondent filed objections to the Report and Recommendation (Doc. 3).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.


Accordingly, petitioner's pro se petition for a writ of habeas corpus is **DISMISSED** without prejudice to refiling after petitioner has exhausted all available state court remedies.

A certificate of appealability will not issue because petitioner has not made a substantial showing of the denial of a constitutional right that is remediable at this juncture in this proceeding. *See* 28 U.S.C. § 2253 (c); Fed. R. App. P. 22(b).

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of any Order

adopting the Report and Recommendation will not be taken in “good faith.” Therefore, petitioner is DENIED leave to *appeal in forma pauperis*. See Fed. R. App.P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.


Susan J. Dlott
United States District Judge